NOTIFICATION.

(LAW DEPARTMENT.)

No. LAW 57 LOR 65, Bangalore, dated the 26th March 1965.

Ordered that the accompanying Notification No. G.S.R. 74, dated 28th December 1961, of the Ministry of Food and Agriculture regarding the Fertiliser (Control) Sixth amendment Order 1964, which has been published in the *Gazette of India*, Part II, Section 3, sub-section (1), dated the 9th January 1965, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
16 *Under Secretary to Govt., Law Department.*

GOVERNMENT OF INDIA.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 28th December 1964.

G.S.R. 74.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Fertiliser (Control) Order, 1957, namely :—

1. This Order may be called the Fertiliser (Control) Sixth Amendment Order, 1964.

2. In the Fertiliser (Control) Order, 1957—

(i) in clause 2,—

(a) in sub-clause (d), the words "and a special mixture of fertilisers" shall be inserted at the end ;

(b) the word "and" occurring at the end of sub-clause (m) shall be omitted, and after that sub-clause the following sub-clause shall be inserted, namely :—

"(mm) 'special mixture of fertilisers' means any mixture of fertilisers prepared for experimental or other purposes in pursuance of a requisition made by any person (including

a person engaged in the cultivation of tea, coffee or rubber) for sale to that person in such quantity and within such period as may be specified in such requisition ; and" ;

(ii) in clause 8, for the expression "31st day of December", the expression "31st day of March" shall be substituted ;

(iii) after clause 8 A, the following clause shall be inserted namely :—

"8B. *Special provision regarding renewal of licences.*—(1) Notwithstanding anything contained in clause 8, every person holding a licence under this Order, whose licence would have expired on the 31st day of December, 1964, but for the amendment made to that clause by the Fertilizer (Control) Sixth Amendment Order, 1964, shall if he so desires, apply for the renewal of his licence as if the said amendment had not been made and on such application the licensing authority may renew the licence for the period from the 1st January, 1965, to the 31st March, 1966, if the licencee pays the fee for such renewal for a complete year together with the proportionate fee for a period of three months.

(2) Where any such person fails to get his licence renewed under sub-clause (1) the licence shall expire on the 31st December, 1964.

(iv) in clause 10, after the words "any mixture of fertilisers" the words "or special mixture of fertilisers", shall be inserted ;

(v) after clause 10, the following clause shall be inserted, namely :—

"10A. *Standards for mixture of Fertilisers.*—(1) Subject to the other provisions of this Order, no person shall, with effect from such date as may be fixed by the State Government by notification in the Official Gazette in this behalf (hereinafter in this clause referred to as "the said date"), carry on the business of selling any mixture of fertilisers, unless such mixture complies with the standards set out in such notification in so far as nitrogen, total and water soluble phosphoric acid (as P_2O_5) and water soluble potash (as K_2O) concerned.

(2) With effect from the said date, no certificate of registration shall be granted in respect of any mixture of fertilisers which does not comply with the standards set out in the notification referred to in sub-clause (1).

(3) Where before the said date, any certificate of registration has been obtained in respect of any mixture of fertilisers and such mixture does not comply with the standards set out in

the notification referred to in sub-clause (1), such certificate shall, after the expiry of three months from the said date, cease to be operative.

(4) Notwithstanding anything contained in this clause, any mixture of fertilisers [not complying with the standards set out in the notification referred to in sub-clause (1)] manufactured stocked or exhibited for sale before the expiry of three months from the said date, and in respect of which a certificate of registration has been obtained before the said date, may, for a period of one year form the said date, be sold, offered for sale, stocked or exhibited for sale or distributed.

(5) Nothing in this clause shall apply to special mixture of fertilisers." ;

(vi) in clause 11—

(a) in sub-clause (1), after the words "any mixture of fertilisers" the words "or special mixture of fertilisers" shall be inserted ;

(b) in sub-clause (2), for the opening paragraph, the following paragraph shall be substituted, namely :

The applicant shall—

(a) if he is an applicant for a certificate of registration for any mixture of fertilisers, make an application, in duplicate, to the registering authority in Form D ; or

(b) if he is an applicant for a certificate of registration in respect of any special mixture of fertilisers, make an application in duplicate, to such authority in form DD,

wherein he shall also be required to make a declaration that the mixture or special mixture, as the case may be, for which the certificate of registration is applied for." ;

(vii) after clause 11, the following clause shall be inserted, namely :—

"11A. *Conditions for the grant of certificate of registration in respect of special mixture of fertilisers and period of validity of such certificates*—(1) No certificate of registration in respect of any special mixture of fertilisers shall be granted to the applicant unless he holds a valid certificate of registration under this Order in respect of any mixture of fertilisers.

(2) Every certificate of registration issued in respect of any special mixture of fertilisers shall be valid for a period of three months from the date of issue :

Provided that the registering authority, may if it is satisfied that it is necessary so to do, extend such period to such further period or

periods as it deems fit, so however, that the period or periods so extended shall not exceed six months." ;

(viii) in clause 12,—

(a) in sub-clause (1) after the words "any mixture of fertilisers", the words "or special mixture of fertilisers" shall be inserted ;

(b) for sub clause (2), the following sub-clause shall be substituted, namely :—

"(2) Where an application for a certificate of registration for any mixture of fertilisers is not refused under sub-clause (1), the registering authority shall grant a certificate of registration to the applicant in form E and where an application for a certificate of registration for any special mixture of fertilisers is not refused under that sub clause, such authority shall grant a certificate of registration to the applicant in form EE." ;

(ix) In sub clause 1) of clause 13, in paragraph (aa), after the words "any mixture of fertilisers", the words "or special mixture of fertilisers" shall be inserted ;

(x) in clause 16, the words "including special mixtures of fertilisers" shall be inserted at the end ;

(xi) in clause 22,—

(a) in sub-clause (1), the words "and the authority to whom and the manner in which the fee shall be paid" shall be omitted ;

(b) after sub-clause (1), the following clause shall be inserted, namely :—

"(1A) Notwithstanding anything contained in sub-clause (1), no fee shall be payable by a person holding a valid certificate of registration and making an application for the grant of a fresh certificate of registration in pursuance of the provisions contained in clause 10-A in lieu of the certificate of registration held by him." ;

(c) for sub-clause (2), the following sub-clauses shall be substituted, namely :—

"(2) The authority to whom and the manner in which the fee fixed under clause (1) shall be paid, shall be such as may be prescribed by the State Government by order notified in the Official Gazette.

(3) Any fee paid under sub-clause (1) shall not be refundable unless the grant or renewal of the licence, the grant of the certificate of registration or additional copies of such certificate, or the grant of a duplicate licence, a duplicate certificate of renewal or a duplicate certificate of registration, under this Order has been refused." ;

(xii) in forms B and C, for the expression "31st December, 19——" the expression "31st March, 19——" shall be substituted ;

(xiii) in form D—

(a) in the heading, the words "for mixture of fertilisers" shall be inserted at the end ;

(b) after item 1, the following item shall be inserted, namely :—

"1A. Does the applicant possess the qualifications prescribed by the State Government under sub-clause (1) of clause 11 of the Fertiliser (Control) Order, 1957." ;

(xiv) after form D, the following form shall be inserted, namely :—

"EMBLEM

FORM 'DD'

(See clause 11)

Form of Application to obtain a Registration Certificate for special Mixture of Fertilisers

To

The Registering Authority,

State of ——————————

1 Full name and address of the applicant.

2 Does the applicant possess qualifications prescribed by the State Government under sub-clause (1) of clause 11 of the Fertiliser (Control) Order, 1957.

3 Name and address of the person requiring the special mixture of fertilisers.

4 Particulars of registration certificate(s) already obtained from the same registering authority.

5 Situation of the applicant's premises where fertilisers are/will be mixed.

Full particulars regarding chemical analysis of the special mixture of fertilisers required to be registered and the materials used in making the special mixture.

I am enclosing an attested copy of the requisition made by the purchaser of the special mixture of fertilisers.

8 I have deposited the prescribed registration certificate fee.

Declaration :

(a) I/We declare that the information given above is true and correct to my/ ur knowledge and belief, and no part thereof is false.

(b) I/We have carefully read the terms and conditions of the c rtificate of registration given in form 'EE' appended to the Fert liser (Control) Order, 1957, and agree to abide by them.

(c) I/We declare that the special mixture for which a ce tificate of registration is applied for, shall be prepared by me/us or by a p rson having such qualificati ns as may be prescribed by the State Government from time to time or by any other person under my/our direction, supervision and control or under the direc'ion, supervision and control of a person having the said qualifications.

Signature of the applicant(s).

Name and address of applicant(s) in blook letters.

Date———————————

Place ———————————

(xv) after form E, the following form shall be inserted namely :

FORM 'EE'

[*See* clause 12 (2)]

Book No———————

Certificate No.———————

Date of issue———————

CERTIFICATE OF REGISTRATION IN RESPECT OF THE SPECIAL MIXTURE OF FERTILISERS SPECIFIED BELOW

———————is (are) Hereby given this Certificate for the preparation of ———————* tonnes of special mixture of fertil sers specified below subject to the terms and conditions of this certificate and to the provisions of the Fertiliser (Control) Order, 1957.

Full particulars of the special mixture of fertilisers.

2. The Certificate is valid upto ———————

Date ———————
SEAL

Full address of the premises where the special mixture of fertilisers will be made.

Registering authority.
State.

Quantity to be filled in by the Registering authority.

TERMS AND CONDITIONS OF THIS CERTIFICATE

1. The holder of the certificate shall display the original thereof in a conspicuous place open to the public in a part of the principal premises in which the business of making the special mixture of fertilisers is carried on and also a copy of such certificate in a similar manner in every other premises in which that business is carried on. The required number of copies of the certificate shall be obtained on payment of the fees therefor.

2. The holder of this certificate shall not keep in the premises in which he carries on the business of making special mixure of fertilisers, any mixure of fertilisers in respect of which a certificate of registration has not been obtained under the Fertiliser (Control) Order, 1957.

3. The holder of this certificate shall comply with the provisions of the Fertiliser (Control) Order, 1957, and the notifications, orders and directions thereunder for the time being in force.

4. The holder of this certificate shall report forthwith to the registering authority any change in the premises specified in the certificate or any new premises in which he carries on the business of making the special mixture and shall produce before that authority the original certificate and copies thereof so that necessary corrections may be made therein by that authority.

5. The holder of this certificate shall ensure that the special mixture in respect of which a certificate of registration has been obtained is prepared by him or by a person having such qualifications as may be prescribed by the State Government from time to time or by any other person under the direction, supervision and control of the holder or the person having the said qualifications.

N.B —The certificate and copies thereof, if any, will be machine numbered and delivered against the signature of the holder thereof or his agent on the carbon copy of the certificate which will be kept intact bound in the "Certificate Book" by each registering authority."

[No. 16-38/60-M.]

R. VARADARAJAN, Under Secy.